

**MINUTES OF MEETING
VILLAGE COMMUNITY
DEVELOPMENT DISTRICT No 7**

The Meeting of the Board of Supervisors of the Village Community Development District No. 7 was held on Friday, November 16, 2012 at 11:00 a.m. at the District Office Board Room, 1894 Laurel Manor Drive, The Villages Florida, 32162.

Board members present and constituting a quorum:

Niles Getz	Chairman
Ron Ruggeri	Vice Chairman
Bill VonDohlen	Supervisor
Ron McMahon	Supervisor

Staff Present:

Janet Tutt	District Manager
Diane Tucker	Administrative Operations Manager
Valerie Fuchs	District Counsel
Sam Wartinbee	District Property Management Director
David Miles	Finance Director
Jennifer McQueary	District Clerk
Brittany Wilson	Executive Assistant
Candice Lovett	Staff Assistant

FIRST ORDER OF BUSINESS:

Call to Order

A. Roll Call

Chairman Getz called the meeting to order at 11:12 a.m. and stated for the record all four (4) Supervisors were present representing a quorum.

B. Pledge of Allegiance

The Chairman led the Pledge of Allegiance.

C. Administer Oath of Office to newly elected Supervisors Vicenti and VonDohlen

Jennifer McQueary, District Clerk, administered the Oath of Office to newly elected Board Supervisor VonDohlen. Ms. McQueary advised the District was informed that the Sumter County Supervisor of Elections conducted a recount for Mr. Vicenti's election, and although Mr. Vicenti has been declared the winner; the outcome of the recount will not be effective until 3 p.m. this afternoon; therefore, Mr. Vicenti would not be able to be sworn in at this time.

D. Nomination of Chairman and Vice Chairman

The Board requested this item be addressed at the December 2012 meeting, once all Supervisors have been sworn-in.

E. First Time Meeting Attendees

The Board welcomed all those residents in attendance at a Village Community Development District No. 7 Board meeting for the first time.

F. Audience Comments

John Brechols, Village of Charlotte, expressed concern regarding traffic issues at the intersection of Colony and Morse Boulevards. Janet Tutt, District Manager, advised the Board has engaged a traffic engineer to perform an analysis of the intersection in question, which will be conducted during peak season, to ensure the increased traffic is accounted for. Ms. Tutt stated recommendations from the Traffic Engineer will be brought back to the Board once the analysis has been completed.

Ms. Tutt suggested the residents in attendance visit www.districtgov.org, the District's website and sign-up for e-notifications. These e-mails provide updated information to residents about District items and advises when meeting agendas have been posted.

SECOND ORDER OF BUSINESS: Approval of the Minutes for the Board Meeting held on October 19, 2012

On MOTION by Ron McMahon, seconded by Ron Ruggeri, with all in favor, the Board approved the Minutes for the Board Meeting held on October 19, 2012.

THIRD ORDER OF BUSINESS: Financial Statements as of October 31, 2012

David Miles, Financial Director, reviewed the cash analysis prepared on October 31, 2012 that identifies the District's investable balances as \$2,115,870 and have been distributed among Citizens First Bank (CFB), State Board of Administration (SBA), the Florida Municipal Investment Trust (FMIVT) 1-3 and 0-2 year bond fund accounts and the Florida Governmental Investment Trust (FLGIT) funds. The Budget to Actual Statements for the month ending October 31, 2012 were provided to the Board identifying 8.33% of the Fiscal Year. Mr. Miles advised the District has received only \$105 of its budgeted revenues; however, as occurs on an annual basis, once the District begins receiving the maintenance assessment revenues from the Sumter County Tax Collector the District's revenues will exceed the expenditures. The total expenditures year-to-date are 7.70% and during the month of October the District's expenditures exceeded its revenues by \$157,071.

Supervisor VonDohlen requested an opportunity to meet with Mr. Miles to address several questions. Ms. Tutt advised Mr. Miles would be in contact to schedule a meeting to also include Barbara Kays, Budget Director, so that Supervisor VonDohlen could receive clarification to his inquiries.

FOURTH ORDER OF BUSINESS: District Property Management Reports

A. Landscape Maintenance Update

Eric Kellum, District Property Management (DPM) Supervisor, advised the Board of the following items:

- Root pruning and asphalt repair along the CR 466A multi-modal path is complete and the rejuvenator application has been rescheduled to December 9 and 10, 2012.
- Plant replacement is ongoing, but at a slower pace.

Chairman Getz thanked DPM for addressing the tree replacement in the Village of Duval.

Chairman Getz advised the Berm Discussion/Direction item on the agenda would be addressed at this time.

TWELFTH ORDER OF BUSINESS: Old Business Status Update

- Berm Discussion/Direction

Ms. Tutt stated the Board previously directed Staff to address a letter to The Villages of Lake-Sumter, Inc. advising that the residents of Misty Court would be forwarding a letter requesting assistance to address the noise concerns behind their homes. Ms. Tutt stated the District's letter was forwarded and the response received from The Villages of Lake-Sumter was provided to the Board. The response indicated the berm constructed by the District was built to all county guidelines and requirements and stated the Developer was not in the position to re-construct the berm or build a wall. Ms. Tutt stated prior to this Board taking action to address the berm, it must be determined that the expenditure of District funds are in the public's best interest.

Vice Chairman Ruggeri requested clarification if any funds had been expended by the Board on this matter. Ms. Tutt advised funds were expended to conduct the initial determination as to whether the berm had been constructed to the appropriate specs.

Chairman Getz stated the Board received letters from residents in the Misty Court area who have advised they are not in favor of the District expending funds to address the residents' noise concerns. Chairman Getz stated he reviewed these property addresses and identified the residences do not back up to CR466A and therefore do not have the same noise concern. Ms. Tutt stated the substance of the e-mails received by the Board pertained to the fact that the expenditure of this District's funds in this matter were not a valid public purpose, and not specifically whether noise could be heard from their homes.

Vice Chairman Ruggeri stated when the residents purchased their homes CR 466A already existed. The study conducted by the District confirmed the guidelines and requirements were met during construction of the berm and believes this Board needs to take a final action in the matter.

Chairman Getz stated if the District wanted to proceed with a project to address the residents' noise concerns funds are available. Valerie Fuchs, District Counsel, stated under Florida Statute Chapter 190, prior to any funds being expended, the Board must determine if a valid public purpose will be served to benefit the residents as a whole.

Chairman Getz requested audience comments at this time.

Brian Skelly, 903 Misty Court, advised he is not in favor of funds being expended because the expenditure of the funds would affect all residents of District 7.

Additional comments were received from residents who advised the Board they did not believe the District should expend funds to address the noise concern brought forward by the residents of Misty Court.

Ed Yush, 914 Misty Court, requested the Board table the issue until the spokespeople for those residents concerned about the noise issue could be in attendance.

Vice Chairman Ruggeri stated the berm behind the homes on Misty Court was constructed in compliance with all appropriate guidelines set forth. The following occurred during discussion of the motion:

Supervisor McMahon stated a negative motion could not be approved by the Board and the motion must be worded positively. In this matter, the motion would state 'the expenditure of funds to address noise concerns of residents on Misty Court by constructing a berm or wall is in the public interest' which would then require a vote by the Board to defeat the motion. Ms. Tutt stated because the motion made by Vice Chairman Ruggeri states the berm behind the homes on Misty Court was constructed appropriately the motion is a positive statement.

Supervisor VonDohlen stated because of the comments received by the residents, it does not appear the expenditure would be in the public interest.

<p>On MOTION by Ron Ruggeri, seconded by Bill VonDohlen, with all in favor, the Board determined the berm behind the properties on Misty Court are in compliance with all appropriate guidelines and no District funds would be expended to address noise concerns by constructing a berm or wall.</p>

FIFTH ORDER OF BUSINESS: **Request permission to proceed with deed compliance process**

Diane Tucker, Administrative Operations Manager, stated in 2009 legislation amended Chapter 190 to provide Community Development Districts (CDD's) the ability to enforce certain external deed restrictions within the boundaries of a District through adoption of a Rule. The Rule adopts the existing Deed Restrictions pertaining to the external use or appearance of a homesite that are found to be in the

best interest of the property owners and the Rule cannot amend or change the existing deed restrictions. Ms. Tucker stated the purpose of the Rule is to establish guidelines and operating policies and procedures relating to the enforcement of the adopted deed restrictions. Several conditions must exist within the District prior to the District becoming eligible to adopt a Rule to enforce deed compliance. First, the majority of the Board must be elected by qualified electors, which this District achieved on November 6, 2012, and a second condition is that the Declarant must provide the District with a written Memorandum of Agreement authorizing the District to enforce external deed restrictions. Ms. Tucker advised upon approval by the Board to proceed with the deed compliance process, it is anticipated the new process will begin on March 1, 2013 and the Architectural Review process will begin on May 1, 2013. Staff is requesting the Board authorize to proceed with the implementation of the deed compliance process.

Ms. Tutt advised Staff addressed the issue with the Board during the budget preparation process and funds have been included in the budget for this fiscal year. In addition to the funds budgeted by the Districts, the Developer provides funds each time a District begins the enforcement process which are set aside to address maintenance and legal costs.

On MOTION by Ron McMahon, seconded by Ron Ruggeri, with all in favor, the Board authorized Staff to proceed with the implementation of the deed compliance process.

SIXTH ORDER OF BUSINESS:

Approval of Memorandum of Agreement with The Villages of Lake-Sumter, Inc.

Ms. Tucker advised a copy of the Memorandum of Agreement executed by the Declarant has been provided to the Board. This agreement provides the necessary approval by the Declarant for the District to proceed with the deed compliance process.

On MOTION by Ron McMahon seconded by Ron Ruggeri, with all in favor, the Board approved the Memorandum of Agreement between The Villages of Lake-Sumter, Inc., and the Village Community Development District No. 7 and authorized the chairman to execute the Memorandum of Agreement.

SEVENTH ORDER OF BUSINESS: **Authorize publication of the District's intent to develop Chapter II of its Rule to Bring About Deed Compliance**

Ms. Tucker advised Staff is requesting authorization from the Board to advertise the District's intent to develop Chapter II of its Rule to Bring About Deed Compliance and authorize a public hearing to be held February 15, 2013 at 11:00 a.m. for the purpose of adopting Chapter II of its Rule to Bring About Deed Compliance.

On MOTION by Ron McMahon, seconded by Ron Ruggeri, with all in favor, the Board authorized the publication of the District's intent to develop Chapter II of its Rule to Bring About Deed Compliance and authorized the advertisement of a Public Hearing to be held on February 15, 2013 at 11:00 a.m. for the purpose of adopting Chapter II of its Rule to Bring About Deed Compliance.

EIGHTH ORDER OF BUSINESS: **Approval to schedule workshop to review Deed Compliance Matrix and Architectural Review Manual**

Ms. Tucker advised Staff is requesting the Board schedule a workshop on January 10, 2013 at 11:00 a.m., to be held in the District Office Board Room, to review and discuss the Matrix, standards and other documents needed to move forward with the process.

Supervisor VonDohlen advised he would be unable to attend the January 10, 2013 workshop and would request an opportunity to meet with Staff on another date.

Ms. Tutt stated because Supervisor VonDohlen has advised he would be unable to attend the workshop on January 10, 2013, the Board could choose to table the motion and allow Staff an opportunity to provide alternate meeting dates to the Board.

On MOTION by Ron McMahon, seconded by Ron Ruggeri, with all in favor, the Board tabled the motion to provide Staff an opportunity to provide alternate dates for the workshop.

NINTH ORDER OF BUSINESS: Approval of schedule for Public Information Sessions

Ms. Tucker stated Staff has scheduled the following public information session dates to review the process with the residents of the District and requests the Board's approval to proceed:

- Wednesday, February 6, 2013, 9:00 a.m. until 11:00 a.m. at Lake Miona Recreation Center
- Thursday, February 7, 2013, 2:00 p.m. until 4:00 p.m. at Lake Miona Recreation Center
- Monday, February 11, 2013, 9:00 a.m. until 11:00 a.m. at SeaBreeze Recreation Center
- Tuesday, February 12, 2013, 2:00 p.m. until 4:00 p.m. at SeaBreeze Recreation Center

Ms. Tucker stated to accommodate all residents of the Districts; District 6 has requested an evening session be scheduled.

Vice Chairman Ruggeri inquired if a recreation center in District 7 could be considered for the evening session. Ms. Tutt advised Staff will attempt to schedule the evening session at Colony Cottage Recreation Center.

On MOTION by Ron McMahon, seconded by Ron Ruggeri, with all in favor, the Board approved the schedule, inclusive of the addition of an evening session, for the Public Information Sessions to review the Deed Compliance procedures and Matrix.

CONSENT AGENDA:

Chairman Getz advised the Board that a motion to approve the Consent Agenda is a motion to approve all recommended actions. All matters on the Consent Agenda are considered routine and no discussion will occur unless desired by a Board Member.

Ms. Fuchs advised the Board Consent Agendas are common within local government and include routine matters. If a Board member has a question or wants discussion to occur on any item, that item can be pulled from the Consent Agenda.

On MOTION by Bill VonDohlen, seconded by Ron Ruggeri, with all in favor, the Board approved the following items on the Consent Agenda:
TENTH ORDER OF BUSINESS: Approval to piggyback off of Sumter County Board of County Commissioners' RFP #010-0-2012/AT terms, conditions and unit

prices with DRC Emergency Services, LLC and authorized the Chairman to sign the Agreement for Services.

ELEVENTH ORDER OF BUSINESS: Adoption of Resolution 13-01 adopting the Fiscal Year 2011/2012 Amended Budget for the 2006 Debt Service fund in the amount of \$7,708,491.

THIRTEENTH ORDER OF BUSINESS: Interest Overpayments re: Bond Assessment Payoff

Mr. Miles advised at the October 19, 2012 Board meeting Staff was requested to bring back additional information pertaining to the number of effected property owners who would be entitled to a refund of an interest overpayment if they applied. A handout was provided identifying a total of 46 eligible property owners for refunds totaling \$24,383.96 if the Statute of Limitations is enforced. An additional 19 property owners would be eligible for refunds totaling \$9,720.24 if the Statute of Limitation is waived by the Board, for a total potential exposure of \$34,104.20. Mr. Miles advised the 2006 Debt Reserve Fund has adequate funds to address any potential refunds. The refund application form has been revised slightly to include an information section designed to provide clarification of the refunding process.

Ms. Tutt stated it is Staff's responsibility to provide recommendations to the Board which advises the Board of its alternatives, fiduciary liability and potential impact on the budget, so that the Board can make a policy decision and provide direction to Staff. Ms. Tutt advised an aggressive public information campaign will be utilized to advise residents of this Board's policy decision.

Valerie Fuchs, District Counsel, advised Staff's recommendation to utilize an application process identifies the properties that have paid off the bond during those specific time frames but does not identify the property owner. Ms. Fuchs stated if the Board chose to not utilize Staff's recommendation and instead identify those property owners who are entitled to a refund any unclaimed funds would fall under the State of Florida's Unclaimed Property Act and the District's total potential exposure will become its total liability. Ms. Fuchs clarified that any funds remaining unclaimed also become property of the State of Florida.

Ms. Tutt advised Districts 5 and 6 have approved Staff's recommendation utilizing the application process and the Statute of Limitations; however, the initiation of the Statute of Limitation has been waived for two (2) years from today.

Supervisor VonDohlen stated, in his opinion, the money is owed to the resident and efforts should be made to contact the residents. Supervisor VonDohlen inquired if a separate organization is utilized to identify the residents, would the Unclaimed Property Act apply. Ms. Tutt stated once the District becomes aware of who the property owners are the Unclaimed Property Act would apply.

Vice Chairman Ruggeri stated if the Board goes through a notification process and identifies the property owners, any unclaimed refunds become property of the State of Florida. If the District advertises and utilizes an application form any unclaimed refunds stay within the District.

Carolyn Phelps, Midland Terrace, inquired how an individual can receive an application. Mr. Miles advised property owners can obtain an application by contacting the Finance Department. Staff provided an application form to those residents in attendance who requested one.

Supervisor McMahon inquired what happens to the remaining funds in the Debt Service Reserve Fund once the bond is paid off. Mr. Miles advised any remaining funds are transferred to the General Fund and must be utilized for capital purposes. Supervisor McMahon advised he is in favor of waiving the Statute of Limitations for the two (2) year period. Following Board inquiries, Ms. Fuchs provided clarification of the "extension" of the Statute of Limitations.

<p>On MOTION by Ron McMahon, seconded by Ron Ruggeri, with three (3) Supervisors voting "Aye" and Bill VonDohlen voting "Nay" the Board approved the refunding procedures recommended by Staff including use of the refund application form, providing information to the public through the District's website and other local media sources waiving the Statute of Limitations in F.S. 95-11.</p>
--

FOURTEENTH ORDER OF BUSINESS: Resident Academy Graduation

Carrie Duckett, Customer Service/Support Services Manager, acknowledged those residents who attended the most recent Resident Academy and presented them with their certificates of completion. The Board congratulated the residents and thanked them for attending the District 7 meeting.

FIFTEENTH ORDER OF BUSINESS: Staff Reports

A. VHA Resolution re: Project Wide Fund

Ms. Tutt requested a Board member volunteer to assist Staff in the review of ideas for the Resolution to assemble a committee to review the Project Wide Fund.

Vice Chairman Ruggeri volunteered to assist Staff with the process. Ms. Tutt stated if other Board members have input to please provide it to Staff via email or request a meeting with Staff.

SIXTEENTH ORDER OF BUSINESS: District Counsel Reports

There were no District Counsel Reports.

SEVENTEENTH ORDER OF BUSINESS: Supervisor Comments

Due to the timing of the holidays, Chairman Getz requested the Board cancel the December 21, 2012. The Board concurred and approved the cancellation of the December 21, 2012 meeting.

Ms. Tutt advised should any critical items arise, Staff would notify the Board.

Fred Burpher, Village of Duval Home Owners Association (HOA) Representative, expressed concern about the type of maintenance vehicles utilizing the multi-modal path located behind his residence and provided the Board with photos. Mr. Wartinbee stated DPM will address the issues with the District's contractors and communicate with the Developer requesting they address the concerns with their contractors.

Ms. Fuchs advised according to the Developmental Orders, the multi-modal paths are for non-vehicular traffic with the exception of golf carts. Mr. Wartinbee stated he would speak with the contractors about the vehicles driving on the path. The Board requested additional clarification pertaining to the type of vehicles that can utilize the multi-modal paths and Ms. Fuchs advised she would provide the Board with a copy of her memorandum which outlines acceptable use of the multi-modal paths.

Supervisor McMahon expressed concern with residents not cleaning up after their dogs at the postal facilities and advised he has received several comments about issues at the Duval and Hadley postal facilities. Mr. Wartinbee suggested residents who witness the issue contact the Sheriff's Department, who could choose to issue a citation.

Vice Chairman Ruggeri inquired if a class was being set-up for the new Board members regarding Sunshine Law. Ms. Fuchs stated Staff is working to establish a date.

Vice Chairman Ruggeri inquired if there was a noise ordinance against mowing residential lawns in the early morning hours. Ms. Tucker stated she believes the deed restrictions restrict mowing from 10:00 p.m. to daylight.

Vice Chairman Ruggeri expressed concern with the 2.5 % increase to the water bills approved by the North Sumter County Utility Dependent District (NSCUDD). Ms. Fuchs suggested Vice Chairman Ruggeri meet independently with Staff to discuss the issue.

EIGHTEENTH ORDER OF BUSINESS: Adjourn

The meeting was adjourned at 1:15 p.m.

On MOTION by Bill VonDohlen, seconded by Ron Ruggeri, with all in favor, the Board adjourned the meeting.
--

Janet Y. Tutt
Secretary

Niles Getz
Chairman